

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JUNE DO, PC,
a professional corporation,

Plaintiff,
vs.

Case No. 1:22-cv-00911
Hon. Jane M. Beckering

NESO HEALTH CORPORATION
d/b/a VORSO CORPORATION,
a corporation,

Defendant.

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**EX PARTE MOTION TO VACATE ORDER OF DISMISSAL AND TO REINSTATE
CASE**

NOW COMES, Plaintiff, Joshua June, by and through his attorneys Klug Law Firm, states Plaintiff's Ex Parte Motion to Vacate Order of Dismissal and to Reinstate Case as follows:

1. On October 4, 2022, Plaintiff filed its complaint in the United States District Court for the Western District of Michigan.
2. Plaintiff obtained Defendant Neso Health Corporation's ("Defendant") Resident Agent information from the California Secretary of State Business Entity search.



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3. On October 7, 2022, Plaintiff attempted to serve, by certified mail, the initial pleadings on Defendant's Resident Agent, Konstantinos Alataris
4. Plaintiff mailed the initial pleadings to 555 Veterans Blvd., Suite 125, Redwood City, CA 94063, the address listed for Defendant's Resident Agent.
5. On November 7, 2022, United States Postal Service ("USPS") online tracking indicated that the certified mailing would be returned "because the address was vacant or the business was no longer operating at the location and no further information was available."
6. On November 21, 2022, USPS returned the certified mailing to Plaintiff's address.
7. From November 21, 2022 through December 19, 2022, Plaintiff attempted to locate other addresses for Defendant and its resident agent.
8. Plaintiff found the following addresses for Defendant's Resident Agent Konstantinos Alataris:
 - a. 3930 Freedom Circle, Suite 120, Santa Clara, CA 95054;
 - b. 1020 Atlantic Avenue, Suite 100, Alameda, CA 94501; and
 - c. 1 Astellas Way, Northbrook, IL 60062.
9. On December 19, 2022, Plaintiff filed its Ex Parte Motion for Alternative Service and for Additional Time to Serve. (Exhibit 1).
10. On December 21, 2022, this Court granted Plaintiff's Ex Parte Motion for Alternative Service and for Additional Time to Serve ordering that Plaintiff was permitted to obtain service on the Defendant by mailing the Complaint and Summons, via first class and certified mail, to the addresses that Plaintiff found for Defendant's Resident Agent. (Exhibit 2).



11. On January 5, 2023, Plaintiff served a copy of the Summons and Complaint on Defendant's Resident Agent by first class and certified mail. (Exhibit 3 and Exhibit 4).
12. Since January 5, 2023, Plaintiff has been awaiting return receipts from the certified mailings.
13. The Summons and Complaint were received at 1020 Atlantic Avenue, Suite 100, Alameda, CA 94501 on January 10, 2023. (Exhibit 5).
14. On January 24, 2023, the certified mail addressed to 1020 Atlantic Avenue, Suite 100, Alameda, CA 94501 was returned to Plaintiff's address. (Exhibit 6).
15. The Summons and Complaint were received at 1 Astellas Way, Northbrook, IL 60062 on January 10, 2023. (Exhibit 7).
16. The Summons and Complaint addressed to 3930 Freedom Circle, Suite 120, Santa Clara, CA 95054 was delivered on January 12, 2023 according to USPS Tracking. (Exhibit 8).
17. As of January 27, 2023, Plaintiff has not received the Return Receipt for 3930 Freedom Circle, Suite 120, Santa Clara, CA 95054.
18. On January 25, 2023, this Court entered an Order dismissing this case without prejudice. (Exhibit 9).
19. Plaintiff respectfully requests that this Court vacate the January 25, 2023 Order and Reinstate this case as Plaintiff has complied with the Court's Order regarding service of process and has been awaiting the return receipts for the certified mailings.



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WHEREFORE, Plaintiff respectfully requests this Honorable Court to Grant Plaintiff's Ex Parte Motion to Vacate Order and Reinstate Case as Plaintiff timely served Defendant pursuant to the December 21, 2022 Order.

Respectfully Submitted,

Dated: 1-17-2023

by:


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KLUG LAW FIRM
Attorneys for Plaintiff



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